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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2010-145

**SHEENA BARBARA BUTLER**  
1240 14th Avenue, Apt. 303  
San Francisco, CA 94122  
Registered Nurse License No. 627640

**ACCUSATION**

Respondent.

Complainant alleges:

**PARTIES**

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about October 7, 2003, the Board of Registered Nursing issued Registered Nurse License Number 627640 to Sheena Barbara Butler (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2010, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct,

...

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in

1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 . . .

5 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licensee found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

#### 9 DRUGS

10 10. "Dilaudid," a brand of hydromorphone hydrochloride, is a Schedule II controlled  
11 substance as designated by Health and Safety Code section 11055(b)(1)(K) and is a dangerous  
12 drug per Code section 4022.

13 11. "Vicodin" is a brand of hydrocodone bitartrate, a Schedule II controlled substance as  
14 designated by Health and Safety Code section 11055(b)(1)(j) and is a dangerous drug per Code  
15 section 4022.

#### 16 FACTUAL BACKGROUND

17 12. During the early part of 2006, Respondent began stealing Vicodin from her employer,  
18 California Pacific Medical Center in San Francisco, California. Beginning in approximately May  
19 2006, and until January 14, 2007, Respondent diverted Dilaudid from her employer. She injected  
20 Dilaudid approximately three times a day while at work. On January 14, 2007, Respondent was  
21 terminated from California Pacific Medical Center for drug diversion. Subsequently, Respondent  
22 entered the Board's Diversion Program, but was terminated from the program for non-  
23 compliance. On or about July 6, 2009, Respondent's random biological fluid sample tested  
24 positive for cocaine.

#### 25 FIRST CAUSE FOR DISCIPLINE

#### 26 (ILLEGAL DRUG POSSESSION)

27 13. Respondent is subject to disciplinary action under section 2762(a), in that she  
28 illegally obtained and/or possessed controlled substances as alleged in paragraph 12 above.

1 SECOND CAUSE FOR DISCIPLINE

2 (DRUG USE IN A MANNER DANGEROUS TO ONESELF OR OTHERS)

3 14. Respondent is subject to disciplinary action under section 2762(b), in that she used  
4 controlled substances in a manner dangerous or injurious to herself and others as alleged in  
5 paragraph 12 above.

6 THIRD CAUSE FOR DISCIPLINE

7 (UNPROFESSIONAL CONDUCT)


8 15. Respondent is subject to disciplinary action under section 2761(a), in that she acted  
9 unprofessionally as alleged in paragraph 12 above.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 627640, issued to Sheena  
14 Barbara Butler.
- 15 2. Ordering Sheena Barbara Butler to pay the Board of Registered Nursing the  
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
17 Professions Code section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.
- 19  
20

21 DATED: 9/10/09

22   
23 LOUISE R. BAILEY, M.Ed., RN  
24 Interim Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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